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MONTANA LEGISLATIVE HISTORY

Chapter 298 1989

Bill H 118 S _____ Original bill & history ____C

H. Committee on State Admin		S. Committee on State Admin	
Hearing Date(s) Jan 26	✓ C	Hearing Date(s) March	✓ C
_____	____C	_____	____C
_____	____C	_____	____C
_____	____C	_____	____C
Date Out _____	____C		

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

HB 116 INTRODUCED BY MCDONOUGH, ET AL.
AMEND ELDER ABUSE PREVENTION ACT TO INCLUDE DEVELOPMENTALLY DISABLED PERSONS
BY REQUEST OF DEPARTMENT OF FAMILY SERVICES

1/11	INTRODUCED		
1/11	REFERRED TO HUMAN SERVICES & AGING		
1/18	HEARING		
1/19	COMMITTEE REPORT--BILL PASSED		
1/21	2ND READING PASSED	91	1
1/24	3RD READING PASSED	97	1
	TRANSMITTED TO SENATE		
1/25	REFERRED TO JUDICIARY		
3/06	HEARING		
3/06	COMMITTEE REPORT--BILL CONCURRED		
3/07	2ND READING CONCURRED	50	0
3/09	3RD READING CONCURRED	50	0
	RETURNED TO HOUSE		
3/15	SIGNED BY SPEAKER		
3/16	SIGNED BY PRESIDENT		
3/16	TRANSMITTED TO GOVERNOR		
3/21	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 198 EFFECTIVE DATE: 3/21/89		

HB 117 INTRODUCED BY BACHINI, ET AL.
FUND CONSTRUCTION OF MACHINE SHOP AT NORTHERN AGRICULTURAL RESEARCH CENTER

1/11	INTRODUCED		
1/11	REFERRED TO APPROPRIATIONS		
3/14	HEARING		
3/18	TABLED IN COMMITTEE		

HB 118 INTRODUCED BY CODY
REVISE THE LAW ON FUNERAL DIRECTING AND MORTUARY SCIENCES
BY REQUEST OF DEPARTMENT OF COMMERCE

1/11	INTRODUCED		
1/11	REFERRED TO STATE ADMINISTRATION		
1/12	FISCAL NOTE REQUESTED		
1/18	FISCAL NOTE RECEIVED		
1/19	FISCAL NOTE PRINTED		
1/26	HEARING		
1/26	COMMITTEE REPORT--BILL PASSED AS AMENDED		
1/28	2ND READING PASSED	81	12
1/31	3RD READING PASSED	85	12
	TRANSMITTED TO SENATE		
2/02	REFERRED TO STATE ADMINISTRATION		
3/09	HEARING		
3/09	COMMITTEE REPORT--BILL CONCURRED		
3/10	2ND READING CONCURRED	49	0
3/13	3RD READING CONCURRED	44	0
	RETURNED TO HOUSE		
3/18	SIGNED BY SPEAKER		
3/20	SIGNED BY PRESIDENT		

3/20 TRANSMITTED TO GOVERNOR
3/24 SIGNED BY GOVERNOR
CHAPTER NUMBER 298 EFFECTIVE DATE: 3/24/89

HB 119 INTRODUCED BY KNAPP, ET AL.
INCREASE FEE FOR PERSONALIZED PLATES BY $5

1/11 INTRODUCED
1/12 REFERRED TO HIGHWAYS & TRANSPORTATION
1/12 FISCAL NOTE REQUESTED
1/16 FISCAL NOTE RECEIVED
1/17 HEARING
1/18 FISCAL NOTE PRINTED
2/03 COMMITTEE REPORT--BILL PASSED AS AMENDED
2/04 2ND READING PASSED AS AMENDED 85 10
2/07 TAKEN FROM 3RD READING AND
PLACED ON 2ND READING
2/08 TAKEN FROM 2ND READING
2/09 3RD READING PASSED 81 18

TRANSMITTED TO SENATE
2/10 REFERRED TO HIGHWAYS & TRANSPORTATION
3/02 HEARING
3/03 COMMITTEE REPORT--BILL CONCURRED
3/04 2ND READING CONCURRED 28 15
3/07 3RD READING CONCURRED 44 6

RETURNED TO HOUSE
3/11 SIGNED BY SPEAKER
3/13 SIGNED BY PRESIDENT
3/14 TRANSMITTED TO GOVERNOR
3/18 SIGNED BY GOVERNOR
CHAPTER NUMBER 141 EFFECTIVE DATE: 3/18/89

HB 120 INTRODUCED BY GIACOMETTO
REVISE NONRESIDENT FUR DEALER LICENSE FEE

1/11 INTRODUCED
1/12 REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT
1/12 FISCAL NOTE REQUESTED
1/17 HEARING
1/18 FISCAL NOTE RECEIVED
1/18 COMMITTEE REPORT--BILL PASSED
1/20 2ND READING PASSED 87 7
1/23 FISCAL NOTE PRINTED
1/23 3RD READING PASSED 92 5

TRANSMITTED TO SENATE
1/25 REFERRED TO FISH & GAME
2/07 HEARING
2/08 COMMITTEE REPORT--BILL CONCURRED AS AMENDED
2/11 2ND READING CONCURRED 46 0
2/14 3RD READING CONCURRED 47 0

RETURNED TO HOUSE WITH AMENDMENTS
2/27 2ND READING AMENDMENTS CONCURRED 85 6
2/28 3RD READING AMENDMENTS CONCURRED 87 7

3/02 SIGNED BY SPEAKER
3/02 SIGNED BY PRESIDENT

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB118 , as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

HB118 revises the law on the practice of funeral directing and mortuary science by authorizing administrative fines, providing for mandatory initial facility inspections, authorizing inspections and renewal fees, and clarifying the term of mortuary licenses.

ASSUMPTIONS:

1. The purpose of the legislation is to clarify and codify current board practices and procedures.

2. There is no fiscal impact.

Ray Shackleford 1/18/89

RAY SHACKLEFORD, BUDGET DIRECTOR DATE
OFFICE OF BUDGET AND PROGRAM PLANNING

Dorothy A. Cody

DOROTHY A. CODY, PRIMARY SPONSOR DATE

Fiscal Note for HB118, as introduced

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By Chairman Jan Brown, on January 26, 1989, at 9:00 a.m.

ROLL CALL

Members Present: All present, except:

Members Excused: Rep. Davis

Members Absent: None

Staff Present: Judy Burggraff, Secretary; Lois Menzies, Staff Researcher

HEARING ON HB 118

Presentation and Opening Statement by Sponsor: Rep. Dorothy Cody, House District 20, Wolf Point and Conrad, introduced the bill. This agency bill, requested by the Department of Commerce, concerns funeral directing and mortuary science.

The bill:

-- revises the definition of funeral direction to include "the making of preneed or at-need contractual arrangements for funerals";
-- permits the Board of Morticians to impose an administrative fine of not more than $1,000 per incident;
-- provides that a mortuary license expires on June 30 of each year and permits the Board to set a penalty for late renewal of a license;
-- requires a new mortuary facility to meet standards adopted by the Board;
-- requires an initial inspection before a new facility may be opened;
-- permits the Board to set an initial inspection fee; and
-- permits a mortuary license to be suspended or revoked for nonpayment of renewal fees.

Rep. Cody requested the committee to amend the bill to put the fines collected into the General Fund.

List of Testifying Proponents and What Group They Represent:

Jack Severns, Board of Morticians

Michael McCollum, President Elect, Montana Funeral Directors' Association

Patricia England, Staff Attorney, Department of Commerce assigned to the Board of Morticians

List of Testifying Opponents and What Group They Represent:
None

Testimony:

JACK SEVERNS, proponent, said he is the chaplain at a hospital in Great Falls and has dealt with the funeral profession and directors for a long time. He said that he pictured the Board as having one great big club that it can hit someone with, revocation of license, which would mean that they couldn't make a living in the profession in which they are engaged. Mr. Severns said that many times there are lesser violations and morticians need to be reminded that there are teeth in the rules. They would like to impose fines within the legal structures, and said they agreed with putting the fines in the General Fund.

MIKE MCCOLLUM, proponent, said that the Board of Directors of the Montana Funeral Directors' Association had the opportunity to review HB 118 in September. After the Board meeting, they also had the opportunity to travel the state to attend district meetings. The membership feels that the legislation proposed in HB 118 has merit and that the fine is needed. The only thing now that the state Board can do is revoke licenses or slap violators on the hands. Mr. McCollum said that the Association feels that it would be in the best interests of the profession if the monies went into the General Fund.

PATRICIA ENGLAND, proponent, said she would like to address any questions the Committee might have regarding the amendment to add to section 37-19-101 (4) "the making of preneed or at-need contractual arrangements for funerals." She said the Federal Trade Commission (FTC) raised questions because the existing law does not provide that preneed arrangements

are part of the total funeral services that are rendered by a licensed funeral director. The administrative rules that govern their professional conduct do speak to the making of preneed arrangements. The FTC saw a conflict here. The FTC's concern is to foster competition as they feel that is the best way of protecting consumers. Ms. England said that competition is not necessarily appropriate here as professional standards must be considered. Ms. England talked the bill over with the Board of Morticians, and their primary concern is preneed and at-need arrangements. They believe that the contractual arrangements should only be done by a licensed professional.

Questions From Committee Members:

REP. CAMPBELL asked Rep. Cody if she didn't think a $1,000 fine excessive as he was worried about the small-town funeral directors being able to afford that size of a fine, Rep. Cody said the fine is only imposed if there is a violation, and she hoped that most directors would not be violating that many statutes. Rep. Cody said the purpose of the fine is not to hurt the small-town funeral directors, but to provide a penalty for a serious violation of the existing statutes.

REP. MOORE asked for clarification of the term "preneed." Rep. Cody said that was when a prearrangement had been made for a person's own service prior to his or her expiration.

REP. RUSSELL asked Rep. Cody if the new language on page 2, about preneed and at-need contractual arrangements also includes finances. Rep. Cody said that it is financially arranging for your own funeral. REP. RUSSELL said that in her district, they only have one mortuary with a monopoly in the area. She said that there have been a number of complaints that when a family member has died that they must pay cash before the mortician will bury the individual. REP. RUSSELL asked if the bill would at least extend some time to meet the financial obligations until after burial. Rep. Cody said that a contractual agreement assumes that you can pay on time, and a funeral director or mortician cannot be dictated to by the Board except where it comes to the law. Rep. Cody didn't believe that this bill addresses Rep. Russell's concern.

REP. ROTH asked Ms. England if the bill would preclude anyone other than a licensed mortician entering into a contract for preneed arrangements even if all they were

concerned with was handling contracts for preneed. Ms. England said "yes, it would." REP. ROTH asked if someone just wanted to handle the financial end why should they be required to be licensed to do all that a mortician does. Ms. England said that licensure is necessary because the financial arrangements require some knowledge of how the burial is performed. That person would need to know the various prices of the range of caskets and what the law is on disclosing, the time within which a body must be buried after death and a number of details having to do with the actual burial that enter into the making of a contract.

REP. PHILLIPS asked Ms. England if the bill would affect companies such as Purple Cross. Ms. England referred the question to Rep. Cody, who said that Purple Cross is just like life insurance. It is a policy that pays on death for burial.

REP. GERVAIS said that he thought the $1,000 fine was excessive. He asked "what is the average cost of a funeral?" Mike McCollum said that the latest figure he had now was from the Federated Funeral Service, which is an accounting firm. Based on 158,000 funerals, the average funeral in the United States costs approximately $2,500. He said that this figure by itself doesn't mean all that much as it represents the services for a complete funeral and the casket. The figure does not take into account the cemetery equipment, vault or liner, or any of the cash advance items. The average for complete funeral and burial, with the cash advance items, is closer to $3,500 to $4,000.

REP. WESTLAKE asked how many and what kind of violations are taking place under the existing statutes. Mr. Clayton answered REP. WESTLAKE saying that he has been on the board for seven years and that the Board is receiving more complaints every year. Mr. Clayton said the Board is receiving about ten complaints a year that would fit into the "fine" category.

REP. ROTH asked Rep. Cody if there is a problem with people coming into the state and selling a preneed agreement and then leaving the state, a "deadbeat" so to speak. Rep. Cody said she can foresee someone going into a rest home, where the people there are thinking about death and are more gullible and susceptible to a high-pressure salesman, and selling them preneed arrangements and then leaving the state with the money and never be seen again.

Closing by Sponsor: Rep. Cody thanked the Committee and said that she does not carry a bill if she doesn't believe in it. She said that the Board, although it issues rules, does not have the authority on the preneed or contractual agreements. Rep. Cody said that when a death occurs, it is a very traumatic time for the family and they need a responsible person dealing with the family and urged a do pass on the bill.

DISPOSITION OF HB 118

Motion: REP. DEBRUYCKER moved that HB 118 DO PASS.

Amendments, Discussion and Votes: REP. PHILLIPS moved that the bill be amended to require that money collected from fines be deposited in the state general fund. The motion PASSED unanimously.

REP. O'CONNELL said that the $1,000 fine was too high. REP. PHILLIPS noted that the bill permits the Board of Morticians to impose a fine of not more than $1,000 per incident; the bill does not require that the fine be set at $1,000.

REP. CAMPBELL moved that the fine be limited to no more than $500. REP. SPRING said that he opposed the amendment. The amendment FAILED on a voice vote.

REP. SQUIRES moved that the statement of intent be adopted. The motion CARRIED 16 - 2 with Reps. Campbell and O'Connell voting no.

Recommendation and Vote: REP. PHILLIPS moved that HB 118 DO PASS AS AMENDED. The motion CARRIED 16 - 2 with Reps. Campbell and O'Connell voting no.

HEARING ON HB 226

Presentation and Opening Statement by Sponsor: Rep. Jessica Stickney, House District 26, introduced the bill. This is an agency bill, requested by the Department of Commerce, to revise provisions concerning reports prepared by the Board of Investments. It repeals a provision that requires the Board to prepare a report on the potential uses of the Coal Tax Trust Fund and shifts responsibility for preparing the report to the Coal Tax Oversight Committee.

STANDING COMMITTEE REPORT

January 26, 1989

Mr. Speaker: We, the committee on State Administration report that House Bill 118 (first reading copy -- white), with statement of intent attached, do pass as amended.

Signed: _____
Jan Brown, Chairman

And, that such amendments read:

1. Page 1.
Following: line 12
Insert:

STATEMENT OF INTENT
House Bill No. 118

A statement of intent is required for this bill because it grants authority to the board of morticians to adopt rules for:

(1) the imposition of fines in disciplinary actions for unprofessional conduct. Fines may be levied for any conduct for which a mortician's or funeral director's license could be revoked or suspended.

(2) the setting of standards for operating mortuary facilities to assure adherence to sanitary and safety provisions;

(3) the collection of fees and charges for mortuaries, which fees or charges must be commensurate with costs incurred for the services; and

(4) the establishment of reasonable application forms for operation of a new mortuary and transfer fees required to allow the transfer of a license to a new facility.

2. Page 4, line 1.
Following: "."
Insert: "Any fine collected must be deposited in the state general fund."

VISITORS' REGISTER

STATE ADMINISTRATION COMMITTEE

BILL NO. 118 DATE January 26, 1989

SPONSOR REP. CODY

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
PATRICIA I. ENGLAND	DOC - Staff Atty Bd. of Morticians	Y	
Lyman Clayton III	Bd of Morticians	X	
Bob Ross	Bd. of Morticians	X	
Michael McCollum	Montana Funeral Dir. Assn	X	
Wm B Brown	Bd of Morticians	X	
Rep Dorothy A. Cody	House Dist #20	X	
GARRY L. ADAMS	MORTICIAN-MALTA	X	
W.E. "Ty" Riddle III	MFDA	X	
Jack Severns	Board of Morticians	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Recommendation and Vote:

Motion failed by committee, by roll call vote, that HB11 be concurred in, with Senators Abrams, Bengtson and Rapp-Svrcek in favor, and Senators Anderson, Farrell, Harding, Hofman, Rasmussen, and Vaughn opposed.

HEARING ON HB 118

Presentation and Opening Statement by Sponsor:

Representative Dorothy Cody indicated that HB118 addresses some changes to assist the Board of Morticians in their job of overseeing the laws of funeral directoring and mortuary science. She indicated we are all going to need these, either for ourselves, or a loved one, and that she hopes this bill helps to insure the public a more professional and compassionate manner of treatment during a sad time in their lives.

Representative Cody stated there are three basic changes that are being made to the existing statutes, and one minor one. She noted the first change concerns making pre-need, or at-need contractual arrangements for funerals. She noted that the Board, currently, does not have the authority to do this, and this addresses the concerns of the Federal Trade Commission after their audit of the Board. She reported the second change allows the Board to impose a fine for a violation, and puts some teeth into the law. She stated that nothing speaks louder to an individual, who is breaking the law, than when their pocketbook is involved, noting that a little slap on the wrist very rarely gets their attention.

Representative Cody indicated the third major change addresses the transfer of a license from one facility to the next, and sets into place the process of moving the license of the new facility, if a new facility should be constructed, and the inspection of that facility. She stated the final change is to place into law the method that the Board would use for the late renewal of licenses.

Representative Cody indicated these are fairly simple changes, but necessary ones, to take care of the problems that Board has encountered in the existing statutes.

List of Testifying Proponents and What Group they Represent:

William B. Brown, Member, Board of Morticians

Lloyd Linden, Herrmann and Company Funeral Home
Margaret Richardson, Montana Funeral Directors Association

Testimony:

Mr. Brown indicated he is sure that, through the years, all of the committee members have seen the cartoon of the two vultures sitting on a limb, and one turns to the other and says, "Patience, hell, I'm going to go out and kill something." He stated their situation isn't near that severe, but they do need some help.

The remainder of Mr. Brown's testimony is attached as Exhibit 10.

Testimony:

Mr. Linden's written testimony is attached as Exhibit 11.

Testimony:

Ms. Richardson stated that the Montana Funeral Directors Association supports this legislation, noting they have worked closely with the State Board over the past several months on this issue, and are in full agreement with the provisions of this bill. She indicated they ask that the committee favor HB118 with a do pass recommendation.

List of Testifying Opponents and What Group They Represent:

None.

Questions From Committee Members:

Q. Senator Harding asked if other states have this provision for pre-need contractual arrangements.

A. Representative Cody responded that she is pretty sure they do, but she does not know the numbers.

Q. Senator Harding then asked if the funeral homes are running into a problem with professional services, and haven't they been regulated before, or why do we have this need now.

A. Representative Cody responded that it is like any other thing that comes into the Legislature. She indicated that, as time goes on, things have to be changed because they run into situations, adding that the Boards are the

ones running into these situations. She stated that is why they come to the Legislature and ask that the law be changed, because they can not address the problems they are running in to, or the abuses of the law. She said yes, there have been problems, and they have not been able to address them.

Q. Senator Bengtson asked Mr. Brown if there is a penalty for noncompliance with the Federal Trade Commission audit.

A. Mr. Brown responded he can not answer that, but indicated apparently not.

Q. Senator Bengtson then asked Mr. Brown what are those contractual arrangements for pre-need and at-need, that funeral homes can offer; what is he talking about.

A. Mr. Brown responded that a person can pre-arrange their funeral, before their death, so that they can make arrangements for, if they wish, cremation, a casket, or a traditional funeral.

Q. Senator Bengtson asked if that gives the funeral directors the option of selling, of going out and marketing their services.

A. Mr. Brown responded yes, that they can, but indicated they generally go at the party's request. He noted that part of this bill would limit the ability of outsiders to come in, and indicated that Representative Cody could explain it a little better.

Representative Cody stated she has studied this issue quite thoroughly, noting that is why she is happy to carry the legislation. She responded to Senator Bengtson's question by reporting that her father passed away in 1986, in San Diego, and they brought his body back to Wolf Point and buried it. She noted that she is an only child, and her mother's concern, during that time, was for her, and what would happen if something happened to her. Representative Cody indicated that, without her knowledge, her mother went to the local funeral director, or mortician, and talked to him about setting up a pre-need agreement. She explained that what happens in that agreement is a person takes care of their own funeral arrangements, that they pay for that and, during that time, there is also interest which is paid out on it. She stated that, anytime a person wishes to

cancel that agreement, they can, that it is not a permanent contract.

Q. Senator Bengtson stated that someone has been doing this, up to this point, noting she has had people come to her door, and that it was a funeral home in her locality that was selling pre-need arrangements.

A. Representative Cody responded that is one of the more reasonable things that an individual might want to do, to save their family all that, at a time of grief. She indicated that, as far as going out and soliciting, she is surprised to hear that someone does, because it is not a normal procedure in the state, noting the majority of the funeral directors do not, independently, go out and knock on doors asking if people want to make pre-need contractual agreements. She indicated that the majority of the cases involve people, such as her mother, who want to do that, and check into it on their own. She reiterated that it is not a permanent contract.

Q. Senator Bengtson asked what is the license fee for a mortuary license.

A. Representative Cody responded that she does not know the cost of the license, for sure. She indicated that Mary Lou Garrett, of the Board of Morticians, may be able answer that.

Ms. Garrett indicated the cost for a renewal license for an existing mortuary is $125, which includes their annual inspection fee.

Q. Senator Bengtson asked if that is for a new license.

A. Ms. Garrett responded no, that is for a renewal, for an existing mortuary.

Q. Senator Bengtson asked what about a new one.

A. Ms. Garrett responded that would be set under 37-1-137.

Q. Senator Vaughn indicated she knows this is done in other states, and asked Representative Cody, if a person has a pre-made contract, which they have signed and paid for, and they move somewhere else, and want it changed to another mortuary, maybe in another state, if there is something in that contract that they can get that money back, that the money has to be refunded.

A. Representative Cody responded plus interest.

Q. Senator Hofman asked Representative Cody why she sees the need to put this into statute, if people have already been doing this.

A. Representative Cody responded it is because of the audit by the FTC. She indicated the FTC did an audit, and said there should be something in the law concerning the pre-need or at-need contractual agreements.

Closing by Sponsor:

Representative Cody stated she thinks it is a good piece of legislation, that it does not need a lot of amending, and she would appreciate the committee's consideration.

Chairman Farrell announced the hearing on HB118 as closed.

DISPOSITION OF HB 118

Discussion:

Senator Abrams offered a motion that HB118 be concurred in.

Recommendation and Vote:

Motion passed by the committee that HB118 be concurred in.

HEARING ON HB 372

Presentation and Opening Statement by Sponsor:

Representative Budd Gould stated that HB372 is very short, very simple and, unfortunately, something that he believes very necessary. He explained that this will change the law so that cities and counties will come into the law as school districts have been under for a long time, now, which is, when they have a general obligation bond on the ballot, if there is a 30% turn-out, and 60% of the voters vote for it, it would pass. He added that, if 40% of the people turn out, it would only need a simple majority.

Representative Gould indicated it is unfortunate that, at half of the doors they knock on, the people are not registered to

SENATE STANDING COMMITTEE REPORT

March 9, 1989

MR. PRESIDENT:

We, your committee on State Administration, having had under consideration HB 118 (third reading copy -- blue), respectfully report that HB 118 be concurred in.

Sponsor: Cody (Abrams)

BE CONCURRED IN

Signed: _____
William E. Farrell, Chairman

Statement of Intent adopted.

3/31/89
1:00 p.m.

scrhb118.309

STATE ADMINISTRATION COMMITTEE

SENATE STATE ADMIN.
EXHIBIT NO. 8
DATE 3/9/89
BILL NO. HB118

WITNESS STATEMENT

To be filled out by a person testifying or a person who would not like to stand up and speak but wants their testimony entered into the record.

NAME: Rep. Dorothy A. Cody DATE: 3/9/89

Address:

Phone:

Representing whom?
House Dist 20

Appearing on which proposal?
HB 118

Do you: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

Comments:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

STATE ADMINISTRATION COMMITTEE

SENATE STATE ADMIN.
EXHIBIT NO. 9
DATE 3/9/89
BILL NO HB118

WITNESS STATEMENT

To be filled out by a person testifying or a person who would not like to ~~stand up~~ and speak but wants their testimony entered into the record.

NAME: Tom B Brown DATE: 3-9-89

Address: 2979 Millie
Billings MT 59102

Phone: 406-652-2775

Representing whom?
Board of morticians

Appearing on which proposal?
HB 118

Do you: SUPPORT? X AMEND? _____ OPPOSE? _____

Comments:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

SENATE STATE ADMIN.
EXHIBIT NO. 10
DATE 3/9/89
BILL NO HB118

BOARD OF MORTICIANS
DEPARTMENT OF COMMERCE

1424 9TH AVENUE

STATE OF MONTANA

(406) 444-5433

HELENA, MONTANA 59620-0407

March 9, 1989

CHAIRMAN FARRELL, MEMBERS OF THE COMMITTEE

H.B. 118 provides the authroity to licensed morticians to enter into preneed or prearranged contracts with an individual or family prior to death. During a Federal Trade Commission audit of the Board of Morticians the FTC discovered that the board does not have the authority to grant this privilege to licensed morticians or funeral homes. The Federal Trade Commission audited and reviewed the law and rules of all licensing agencies regulating the funeral industry in the past 5 years. This was the only area of concern expressed in their report on our law and rules.

The policy of the board concerning licensing of funeral homes is outlined in Sections 3 and 4 of the bill. It has been the policy of the board to inspect new facilities, charge fees, require mortuaries to renew their license the same as a licensed mortician and did not realize that the law only states that an operating mortuary must be licensed. Under this proposal, the board would be granted rule making authority to set standards for all phases of operation from the day the application is filed until the facility is closed or sold. The board has had several problems with new facilities opening up without applying for license in a timely manner or holding funerals without a license.

The board requests authority to revoke or suspend a license for not renewing a mortician, funeral home license if the license has not been renewed and the licensee is working or the mortuary is in operation.

The request for fine provisions is a negotatiable means of disciplinary action. It allows the board to have legal staff perpare the necessary notice stating a fine rather than revocation. Under a report recently released by the Office of Inspector General under a study of state licensure and discipline practices of dentists, chiropractors, optometrists and podiatrists their recommendation stated that state governments should ensure that the state boards have sufficient enforcement authority and a full range of disciplinary options available to them.

Members of the board are present and we would be happy to answer any questions you may have in this proposed legislation. Thank you for your consideration of H.B. 118.

Ann B Brown

Board Member

EXHIBIT NO. 11
DATE 3/9/89
BILL NO. HB118

RMANN AND COMPANY

Funeral Home

RODNEY HELENA, MONTANA 59601 PHONE (406) 442-1234

MARCH 9th, 1989

ATOR BILL FARRELL CHAIRMAN.
TE ADMINISTRATION
SE BILL 118.
NAME IS LLOYD LINDEN, I AM HERE TODAY
RESENTING THE MONTANA FUNERAL
ECTORS ASSOCIATION WHICH REPRESENTS
% OF THE FUNERAL HOMES AND MORTICIANS
MONTANA. THE OBJECTIVES OF THE ASS-
ATION IS TO PROMOTE AND ELEVATE PRO-
SIONAL CHARACTER AND EDUCATION OF
TICIANS THROUGHOUT THE STATE, AND TO
STER AND MAINTAIN AMONG THEM HIGH PRO-
SSIONAL IDEALS OF PUBLIC SERVICE.
ATH IS A FACT OF LIFE AND BY ALLOWING
CENSEES TO ENTER INTO PRENEED AND PRE-
RANGED FUNERALS IS A BENEFIT TO THE
BLIC WE SERVE.
IS BILL ALSO PROVIDES FOR REGULATION
F THE FUNERAL HOME AND GIVES THE BOARD
E AUTHORITY TO SET STANDARDS.
EASE GIVE HOUSE BILL 118 A DO PASS.
HANK YOU!

STATE ADMINISTRATION COMMITTEE

SENATE STATE ADMIN.
EXHIBIT NO. 12
DATE 3/9/89
BILL NO. HB 118

WITNESS STATEMENT

To be filled out by a person testifying or a person who would not like to stand up and speak but wants their testimony entered into the record.

NAME: Margaret Richardson

DATE: March 8/89

Address: Montana Funeral Dir. Assoc.
P.O. Box 6276

Phone: Helena - 449-7244

Representing whom?

Appearing on which proposal?
IF HB 118

Do you: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

Comments:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY